


**CHEVY CHASE VILLAGE
BOARD OF MANAGERS
APRIL 14, 2014 MEETING**

STAFF INFORMATION REPORT

TO: BOARD OF MANAGERS

FROM: SHANA R. DAVIS-COOK, VILLAGE MANAGER 
ELLEN SANDS, PERMITTING AND CODE ENFORCEMENT COORDINATOR 

DATE: 4/10/2014

SUBJECT: PROPOSED CHANGES TO CHAPTER 25 (PUBLIC RIGHTS-OF-WAY) AND CHAPTER 6 (PENALTIES, FEES AND FINES) OF THE VILLAGE BUILDING CODE, PURSUANT TO CHANGES TO CHAPTER 8 (BUILDING REGULATIONS) PROPOSED BY THE BUILDING CODE REVIEW COMMITTEE.

Background

In performing its comprehensive review of the Village Building Code (Chapter 8), the Building Code Review Committee identified areas of the recently-adopted Chapter 25, Public Rights-of-Way Ordinance that required correction or amendments. The changes in Chapters 8 and 25 have also resulted in needed amendments to Chapter 6, entitled "Penalties, Fees and Fines". These represented coordination with Chapter 8, rather than any substantive changes to permitting requirements and thus were made by staff, working with Counsel.

Proposed Revisions: Chapter 25, Public Rights-of-Way

- Definitions:
 - The definition of "wall" was included verbatim as it appears in Chapter 8.
 - The definition of "structure" was included verbatim as it appears in Chapter 8 (having been expanded therein) to include "permanently anchored play equipment". Non-permanently anchored play equipment, such as trampolines and portable basketball hoops, are thus exempt from that definition.
- Section 25-5. A License to use the Public Right-of-Way is no longer required to replace a private walkway located within the public right-of-way abutting the private property; however a building permit is still required.
- Section 25-6. Play equipment has been removed from the list of private improvements controlled under this section, because it inadvertently implied these structures could be located within a public right-of-way although this has never been permitted for the newly defined "permanently anchored play equipment".
- Section 25-6. An exception has been made to allow one lamp post to be installed in the public right-of-way abutting a property per the same location requirements for private property as outlined in Chapter 8.
- Section 25-6. An exception has been made to allow a handrail alongside a walkway or steps in the public right-of-way abutting a property per the same location requirements for private property as outlined in Chapter 8.
- Section 25-6. A retaining wall constructed in the public right-of-way that retains more than twenty-four (24) inches of earth or that measures more than thirty (30) inches in height when measured from the ground on the lower side of the wall will need to be designed by a structural engineer (this requirement is consistent with the Montgomery County Building Code).

Proposed Revisions: Chapter 6, Penalties, Fees and Fines

The Penalties, Fees and Fines chapter has been coordinated to reflect permit fees for installations of a lamp post and handrail in the public right-of-way (\$30) and replacement of same (\$15). Otherwise, changes in section numbering and language have been coordinated with corresponding section numbering and language revisions of Chapters 8 and 25.

The listing of fines pursuant to Chapter 8 has been reduced to accurately reflect the nature of the violations. Only those sections of Chapter 8 that have a maintenance requirement beyond issuance of the permit now have a separately listed fine (e.g., pools, tennis courts, etc.).